	School Approval Standard:
Subject: School Food and Nutrition Services	Ed 306.02, 306.04, 306.11

This is the twenty-first in a series of Technical Advisories issued by the Department to clarify the School Approval Standards

On December 14, 2011, the NH State Board of Education adopted changes to the NH Administrative Rules for Education, Minimum Standards for Public School Approval, including Ed 306.02, Ed 306.04, and Ed 306.11 regarding food and nutrition services. The actual text is below. Following the actual text is the Department's comment. If you have further questions regarding any of this information please call the Bureau of Nutrition Programs and Services at (603) 271-3646.

I. Actual Text

Ed 306.02 Definitions

- (e) "Nutrient dense foods" means those foods that provide substantial amounts of vitamins and minerals and relatively fewer calories as identified and defined by 7CFR Part 210.10.
- (f) "Nutrient density of foods" means the specific nutrient in a food per 100 calories of that food as defined 7CFR Part 201.11.
- (g) "Nutrient targets" means the specific number and types of food that a student must select. The targets are the scientific bases of the standards for menu planning. Targets provide the foundation for setting meal requirements which encompass meal patterns and other specification for school menu planning purposes.
- (h) "Portion size" means the amount of food that will ensure each serving will be the appropriate size and that a recipe will produce the expected number of servings.

Ed 305.04 Policy Development

- (a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:
 - (21) Supporting the availability and distribution of healthy foods and beverages that create a healthy environment in all schools throughout the school buildings during the school day.

Ed 306.11 Food and Nutrition Services

- (g) The policy relative to distribution of healthy foods and beverages that create a healthy environment required by Ed 306.04(a)(21) shall include:
- 1. Standards for nutrient dense food and beverages for grade level needs elementary, middle and high school as identified and defined by 7CFR part 210.10;

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- 2. Portion size for nutrient dense foods and beverages in schools which support the framework for healthier food choices in all school environments;
- 3. Nutrition targets for foods and beverages made available outside the federally regulated school meals program. The targets shall follow those developed by a nationally recognized research-based organization, such as but not limited to USDA, or as determined by the department to have standards equivalent to the USDA;
- 4. Developmentally appropriate opportunities to learn food preparation skills that support nationally recognized research-based nutrition standards; and
- 5. Annual communication information about the policy and procedure and related curricula to the school community, including but not limited to school staff, school board, parents and students.
- (h) Any school in (g)(3) choosing a standard for foods available at school which is not consistent with the USDA standard for Child Nutrition Programs, shall request a waiver from the Bureau of Nutrition Programs and Services. The Bureau shall evaluate the alternative standards and shall grant the waiver if the alternative standards are determined to be equivalent to the nutrition standards of 7CFR Part 210.

II. Department Comment:

School districts must now develop policy surrounding any food or beverage distributed/sold outside of the regular United States Department of Agriculture's (USDA) school meals program. The foods that are distributed in schools that are outside of the regular USDA school meals program are often referred to as "competitive foods". These include but are not limited to foods found in vending machines, snack bars, school stores, a la carte, fundraisers, school parties and any other food and beverage distribution/sales on the school campus while school is in session. While the Department recognizes that classroom parties and celebrations may be difficult to address, it is also recognized that there are many benefits to holding healthy celebrations. Healthy celebrations complement classroom health lessons, promote a healthy school environment and allow students the ability to better able to concentrate after eating healthy snacks.

Some possible strategies to employ when offering healthy celebrations include; 1) limiting the number of classroom parties to one per month to recognize birthdays of the month, 2) send a sign-up sheet to families that suggest healthy items 3) celebrate without using food. The following two websites may offer other strategies and suggested lists of non-food celebrations:

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Kansas City Healthy Kids, "Healthy Alternatives for School Celebrations, Fundraisers, and Snacks," www.kchealthykids.org/Resources/Detail/Healthy-Alternaites-for-School-Snacks-and-Rewards Yale Rudd Center for Food Policy and Obesity, "Healthy Celebrations," www.yaleruddcenter.org/resources/upload/docs/what/communities/healthycelebrationsCT.pdf This rule is only meant to include foods that are distributed/sold during the school day. This rule does not encompass food distributed/sold either prior to the school day beginning or after the school day has ended. Therefore, food distributed/sold during after-hours events, such as sporting events, is not included.

As per Ed 306.11 (g), the following resources may be of assistance to schools as they write their competitive foods policy.

USDA offers nutrient standards for competitive foods to schools via the HealthierUS School Challenge (HUSSC). http://www.fns.usda.gov/tn/healthierus/application.html USDA is developing a list of foods that meet the requirements of the Healthy, Hunger-Free Kids Act of 2010. It is targeted for release in 2013. For now, the USDA's HealthierUS School Challenge (HUSSC) contains information about standards for nutrient dense food and beverages for grade level needs elementary, middle and high school. It is recommended that schools go to: http://www.fns.usda.gov/tn/healthierus/application.html for more information about HUSSC and the competitive foods nutrient standards.

In addition, a school district may choose to adopt one of the below lists of foods. The below lists are frequently revised to contain foods that meet the portion size and nutrition targets standards found in the HUSSC. These lists include:

- 1. The A-List from John Stalker Institute of Food Nutrition at Framingham State University is a lengthy list of vending and snack products. While the A- list was created to meet the Massachusetts Standards for Competitive Foods, it is continually updated and includes indicators to identify which items meet the HUSSC requirements thus, making it a more universal tool. In addition, the A-List indicates product portion size and nutrition targets. To find the A-list, go to: http://www.johnstalkerinstitute.org/alist/
- 2. The Alliance for a Healthier Generation's "List of Compliant Items" is a list of snacks and beverages that follow the 2005 Dietary Guidelines for Americans and the American Heart Association's Dietary Guidelines for Healthy Children recommendations. You can view

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snack and beverage suggestions for elementary, middle and high school by going to http://www.healthiergeneration.org/schools.aspx?id=3425

Both product portion size and nutrition targets are taken into consideration.

ED 306.11 (g)(4) of the above rule describes Family and Consumer Science (FACS) classes and Culinary Arts classes held during the school day. Family and Consumer Science classes as well as Culinary Arts classes, where students learn the proper preparation techniques of foods for either home use or career use are exempt from this rule due to the fact that they have their own minimum standards that govern what they teach.

As per Ed 305.04 (a)(21) any written policy will be communicated annually to the school community. This can be done through a school district's website, parent handbook, as a part of the "beginning of the year school packet" or any other means that the school district has for communication of policy.

As stated above in Ed 306.11 (h) a school district may create and adopt their own alternative standards for nutrient dense food and beverages for grade level needs elementary, middle and high school. If this option is chosen, a waiver would have to be sought by the school to the Department. This will require a school or district to provide written information to the Department on the scientific basis of the alternative standards. If, after evaluation, the standards are deemed appropriate, the Department will grant a waiver. Please send a waiver to: Cheri White, Administrator, Bureau of Nutrition Programs and Services, NH Dept. of Education, 101 Pleasant St., Concord, NH 03301.

III Contact: Cheri White, Administrator, Bureau of Nutrition Programs and Services, phone (603) 271-3860 or cheri.white@doe.nh.gov.

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